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REMARKS

This Response is offered in reply to the office action of February 4, 2004. A petition and fee for a two month time extension are enclosed, making this response due on July 4, 2004.

Applicant appreciates allowance of claims 51 and 53 and the indicated allowability of the subject matter of claims 2, 3, 5, 10, 19, 30, 42, 50, 51 and 53.

On page 2 of the office action, claims 11, 13, 14, and 41 are rejected under 35 USC 102(b) in view of US Patent 3 533 200.

Claim 11 has been amended to recite a modular living enclosure for occupancy by a person, comprising a plurality of molded plastic enclosure sections that are assembled to define an enclosure floor, four upright side walls, a top wall and a door opening when assembled, at least one of said enclosure sections being molded to form a bathroom feature including a toilet and at least one of said enclosure sections being molded to form an integral bed surface for sleeping.

The '200 patent does not disclose a living enclosure having such a claimed combination of features wherein an integral bed surface for sleeping is molded as part of at least one of the enclosure sections.

The same is true of claim 13 which recites a garbage disposal communicated to the toilet for comminuting toilet waste.

The same is true of claim 41 which recites a plurality of modular living enclosures as set forth in any one of claims 1-34 assembled in a building.

Reconsideration of the Section 102 rejection of claims 11, 13, 14, and 41 is requested.

On page 2 of the office action, claims 35-37 and 39 are rejected under 35 USC 102(b) in view of US Patent 5 111 626.

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Claim 35 has been amended in a manner believed to distinguish over the '626 patent. For example, claim 35 recites a people housing system comprising a plurality of individual modular living enclosures assembled in a building wherein each modular living enclosure has at least one of its enclosure sections molded to form a bathroom feature, which is connected to building water service. Moreover, each individual modular living enclosure is recited as having an electrical actuator to control water flow from the building water service to the bathroom feature therein and further having a programmable computer control unit connected to the electrical actuator of each modular living enclosure for controlling water flow to a respective individual modular living enclosure in programmed manner.

In contrast, the '626 patent supplies water from a water tank of a wheeled service unit or cart 18 under control of a logic control means 119, which is not disclosed to be a programmable computer control unit. For example, the control logic means can be a relay-based control system that provides the logic control function but does not comprise a programmable computer control unit. Moreover, there is no disclosure that the bathroom features 40, 44, and 45 are integrally molded as part of the inner shell 23. Instead, the bathroom features 40, 44, 45 comprise separate fixtures as are all of the furniture in the modular unit of the '626 patent. For example, see Figures 10 and 11 where the toilet 40 is separate, see Figures 12 where shower unit 44 has a fold-down pan 62 for use with a handheld shower head 65 having hose 66, and see Figure 6 where lavatory 45 is a separate basin. The inner shell 23 merely defines a cubical interior space; column 3, lines 49-52 of the '626 patent.

Reconsideration of the Section 102 rejection of claims 35-37 and 39 is requested.

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On page 3 of the office action, claims 43, 44, and 46-48 are rejected under 35 USC 102(b) in view of US Patent 3 533 200.

Claim 43 has been amended in a manner believed to distinguish over the '200 patent. The '200 patent fails to disclose the combination of steps set forth in claim 43, which steps include connecting a building electrical service to a waste comminution device communicated to the discharge conduit of a bathroom feature. The '200 patent is silent with respect to any type of waste comminution device as set forth in claim 43 and particularly a garbage disposal as set forth in claim 45. The same is true of amended claim 47.

Reconsideration of the Section 102 rejection of claims 43, 44, and 46-48 is requested.

On page 3 of the office action, claim 52 is rejected under 35 USC 102(b) in view of US Patent 3 533 200.

Claim 52 has been amended to distinguish over the '200 patent, which fails to disclose a modular living enclosure for occupancy by a person having the combination of features set forth that include at least one of said enclosure sections being molded to form an integral bed surface for sleeping.

Reconsideration of the Section 102 rejection of claim 52 is requested.

On page 4 of the office action, claims 1, 4, 6, 8 and 9 are rejected under 35 USC 103(a) in view of US Patent 3 533 200 taken with Reissue 30691.

Claim 1 has been amended to incorporate the features of claim 2 and thus claim 1 and claims 4, 6, 8, and 9 depending therefrom are believed to be allowable.

Reconsideration of the Section 103 rejection of these claims is requested.

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On page 6 of the office action, claim 7 is rejected under 35 USC 103(a) in view of US Patent 3 533 200 taken with Reissue 30691 and US Patent 5 111 626.

The '200 patent and Reissue patent do not disclose or suggest the recited molded furniture features. The '626 patent does not make up for these deficiencies in that the furniture settee 32, berths 35, 36, desk 42, bed 52, are separate furniture pieces attached to the inner shell 23 of the modular unit. For example, see Figure 4 where the settee 32, berths 35, 36 are separate and see Figures 4-5 where desk 42, bed 52 are separate and hinged to fold down.

Reconsideration of the Section 103 rejection of these claims is requested.

On page 6 of the office action, claim 15 is rejected under 35 USC 103(a) in view of US Patent 3 533 200 taken with US Patent 5 398 465.

The '200 patent is deficient in not disclosing or suggesting a conduit for communicating a washbasin to a sump chamber on the modular unit and instead discharges to a sewer. The '200 patent teaches away from combining the '465 patent as proposed by the examiner. Moreover, the '465 patent relates to a portable toilet and not to a modular living enclosure such that the proposed combination is believed incorrect and to constitute a hindsight analysis of the claim.

Reconsideration of the Section 103 rejection of claim 15 is requested.

On page 7 of the office action, claim 17 is rejected under 35 USC 103(a) in view of US Patent 3 533 200 taken with US Patent 5 398 352.

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Claim 17 has been amended to distinguish over the cited patents. The '200 patent does not disclose a molded floor drain as the examiner acknowledges. The '200 patent also does not disclose or suggest a shower head molded as part of at least one enclosure section. The '352 patent does not make up for these deficiencies and is not believed to be combinable. For example, the '352 patent relates to a portable toilet and not to a modular living enclosure such that the proposed combination is believed incorrect and to constitute a hindsight analysis of the claim. Moreover, the '352 patent does not disclose or suggest the recited combination of a shower head and floor drain as set forth in claim 17.

Reconsideration of the Section 103 rejection of claim 17 is requested.

On page 7 of the office action, claim 18 is rejected under 35 USC 103(a) in view of US Patent 3 533 200 taken with US Patent 5 398 352 and 5 398 465.

Claim 18 has been amended to distinguish over the cited patents. The '200 patent does not disclose a modular living enclosure having, in combination with the other features set forth, bathroom features comprising a toilet, a washbasin, and a floor drain wherein the toilet communicates to a garbage disposal device for comminuting toilet waste, and wherein the washbasin and the floor drain communicate to a sump chamber disposed on the enclosure and having a sump pump therein.

The '352 and 465 patents are not properly combined with the '200 patent since the latter relate to portable toilets and not to a modular living enclosure such that the proposed combination is believed incorrect and to constitute a hindsight analysis of the claim. Moreover, neither of these patents discloses or suggests having a toilet communicating to a garbage disposal device for comminuting toilet waste, and a washbasin and floor drain communicating to a sump chamber disposed on the enclosure and having a sump pump therein.

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Reconsideration of the Section 103 rejection of claim 18 is requested.

On page 8 of the office action, claim 19 is rejected under 35 USC 103(a) in view of US Patent 3 533 200 taken with US Patent 5 111 626.

This rejection is not understood since the examiner indicates that claim 19 contains allowable subject matter on page 12 of the office action.

Reconsideration of the Section 103 rejection of claim 19 is requested.

On page 8 of the office action, claims 24, 28, 29, and 31-34 are rejected under 35 USC 103(a) in view of US Patent 5 111 626 taken with US Patent 5 398 352.

This rejection is believed to be in error. As pointed out above, the '626 patent discloses the furniture settee 32, berths 35, 36, desk 42, bed 52, are separate furniture pieces attached to the inner shell 23 of the modular unit. For example, see Figure 4 where the settee 32, berths 35, 36 are separate and see Figures 4-5 where desk 42, bed 52 are separate and hinged to fold down.

Neither patent discloses or suggests a shower head molded as part of a wall of one of the enclosure sections with the wall being provided with holes at the shower head through which shower water is discharged, and a floor drain molded on a floor of another of the enclosure sections.

Moreover, the features of claims 31, 32, 33 and 34 are not disclosed or suggested in the '626 patent. For example, the sprinkler 126 of the '352 patent is described only as a halon system.

The incorrectness of combining the '352 patent is discussed above. Moreover, the '352 patent does not suggest the combination of a shower head molded as part of a wall of one of the enclosure sections with the wall being provided with holes at the shower head through which shower water is discharged, and a floor drain molded

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on a floor of another of the enclosure sections. For example, shower head 76 is a separate shower fixture and not a molded part of the wall of the inner shell of the '626 patent.

Reconsideration of the Section 103 rejection of claims 24, 28, 29, and 31-34 is requested.

On page 9 of the office action, claims 25 is rejected under 35 USC 103(a) in view of US Patent 5 111 626 taken with US Patent 5 398 352 and Reissue 30691.

Claim 25 is believed allowable since there is no suggestion whatsoever in the cited patents to provide a ceramic-particulates filled resin layer defining an inner surface of the enclosure of the '626 patent.

Reconsideration of the Section 103 rejection of claim 25 is requested.

On page 10 of the office action, claims 38 and 39 are rejected under 35 USC 103(a) in view of US Patent 5 111 626.

Claim 38 is believed allowable since there is no suggestion whatsoever in the cited '626 patent to provide a programmable computer control unit to control electrical power to a sprinkler of a respective individual enclosure in response to a temperature or smoke sensor of a respective individual modular living enclosure. Claim 39 is believed allowable since there is no suggestion whatsoever in the cited '626 patent to provide a programmable computer control unit to control electrical power to a water heater of a respective individual modular living enclosure in programmed manner. As mentioned above, the logic control means 119 of the '626 patent can be a relay-based control system that provides the logic control function but does not comprise programmable computer control unit.

Reconsideration of the Section 103 rejection of claims 38 and 39 is requested.

On page 10 of the office action, claim 45 is rejected under 35 USC 103(a) in view of US Patent 3 533 200.

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The '200 patent does not disclose or suggest building electrical service being connected to a garbage disposal communicated to said toilet for comminuting toilet waste.

Reconsideration of the Section 103 rejection of claim 45 is requested.

On page 11 of the office action, claim 49 is rejected under 35 USC 103(a) in view of US Patent 3 533 200 taken with US Patent 5 111 626.

Claim 49 is believed allowable since it depends from claim 43.

Reconsideration of the Section 103 rejection of claim 49 is requested.

On page 11 of the office action, claims 54 and 55 are rejected under 35 USC 103(a) in view of US Patent 5 398 465 taken with US Patent 5 398 352.

This rejection is believed to be in error. As pointed out above, the '352 and 465 patents are not pertinent since they relate to portable toilets and not to a modular living enclosure such that the proposed combination does not result in claim 54 and 55. Moreover, neither of these patents discloses or suggests at least some enclosure sections molded to form a molded shower head from which water is discharged and a floor drain molded in a floor of a living enclosure and through which water can flow from inside to outside of said living enclosure.

Reconsideration of the Section 103 rejection of claims 54 and 55 requested.

New claims 56 and 57 have been added and are believed allowable. Claim 57 combines previous claim 35 and 42.

The pending claims are believed to be in allowable condition. The Commissioner is authorized to charge the fee for new claims 56 and 57 to my deposit account No. 20-1124.

Respectfully submitted,



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